



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Land transactions—general provisions

128 Consents to land transactions by local authorities and protection of purchasers.

- (1) In any case where under the foregoing provisions of this Part of this Act the consent of any Minister is required to a dealing in land by a local authority, that consent may be given—
 - (a) in relation to any particular transaction or transactions or in relation to a particular class of transactions; and
 - (b) in relation to local authorities generally, or local authorities of a particular class, or any particular local authority or authorities; and
 - (c) either unconditionally or subject to such conditions as the Minister concerned may specify (either generally, or in relation to any particular transaction or transactions or class of transactions).
- (2) Where under the foregoing provisions of this Part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to acquire, appropriate or dispose of land, then—
 - (a) in favour of any person claiming under the authority, the acquisition, appropriation or disposal so purporting to be made shall not be invalid by reason that any consent of a Minister which is required thereto has not been given or that any requirement as to advertisement or consideration of objections has not been complied with, and
 - (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether any such consent has been given or whether any such requirement has been complied with.

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- (3) Notwithstanding that principal councils are authorities to whom Part II of the ^{M1}Town and Country Planning Act 1959 applies, sections 22, 23 and 26 of that Act (provisions relating to consents required for the exercise of powers of acquisition, appropriation and disposal of land) shall not apply in relation to the exercise by principal councils of powers conferred by this Part of this Act, and in section 29 of that Act (protection of purchasers) references to an authority to whom the said Part II applies shall be construed as though that expression did not include a principal council.
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

Modifications etc. (not altering text)

- C1** S. 128 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.
S. 128: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.
- C2** S. 128 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
S. 128: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.
S. 128 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
S. 128 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 128: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 128 applied (with modifications) (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 87(6), **Sch. 14 para. 6** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- C3** Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C4** Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C5** Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C6** S. 128(1) amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C7** S. 128(2) restricted by Housing Act 1980 (c. 51, SIF 61), s. 137(1)
- C8** S. 128(2) excluded by Housing and Building Control Act 1984 (c. 29, SIF 61), s. 22(7)
- C9** S. 128(2) restricted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 93(1)
- C10** S. 128(2) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(e)**
- C11** S. 128(2) excluded by Housing Act 1985 (c. 68, SIF 61), s. 44(2)
S. 128(2) extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(c)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)
S. 128(2) modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(c)**
- C12** S. 128(2) applied by 1990 c. 8, s. 233(9) (as inserted (25.6.2013 for E.) by Growth and Infrastructure Act 2013 (c. 27), ss. 8(3), 35(1); S.I. 2013/1124, art. 3)

Marginal Citations

- M1** 1959 c. 53.

129 Payment of purchase or compensation money by one local authority to another.

- (1) With the consent of the Secretary of State, any purchase money or compensation payable in pursuance of the foregoing provisions of this Part of this Act by a local authority in respect of any land acquired from another local authority, being money or compensation which would, apart from this section, be required to be paid into court

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in accordance with the ^{M2}Compulsory Purchase Act 1965, may, instead of being so paid, be paid and applied as the Secretary of State may determine.

(2) A decision of the Secretary of State under this section shall be final.

Modifications etc. (not altering text)

- C3** Ss. 128-131 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C4** Ss. 128-131 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C5** Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, [Sch. 1](#)
- C13** S. 129 modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), [Sch.2](#).
S. 129: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).
- C14** S.129 modified (10.01.1992) by [S.I. 1991/2913](#), art. 8(2), [Sch.2](#).
S.129: certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).
S. 129 extended (with modifications) (19.9.1995) by [1995 c. 25, ss. 65, 125\(2\), Sch. 8 para. 1\(1\)\(b\)\(4\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))
S. 129: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930, art. 2\(1\)\(2\)\(m\)](#)

Marginal Citations

- M2** [1965 c. 56](#).

130 Acquisition by local authorities of lands belonging to the Duchy of Lancaster.

The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to Her Majesty in right of that Duchy which the local authority think fit to purchase, and the land may be granted to the local authority and the proceeds of sale shall be paid and dealt with as if the land had been sold under the authority of the ^{M3}Duchy of Lancaster Lands Act 1855.

Modifications etc. (not altering text)

- C3** Ss. 128-131 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, [Sch.](#)
- C4** Ss. 128-131 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, [Sch.](#)
- C5** Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, [Sch. 1](#)
- C15** S. 130 modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), [Sch. 2](#).
S. 130: certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, [Sch.2](#).
- C16** S. 130 modified (10.01.1992) by [S.I. 1991/2913](#), art. 8(2), [Sch.2](#).
S. 130: certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), art. 8, [Sch.2](#).
S. 130 extended (with modifications) (19.9.1995) by [1995 c. 25, ss. 65, 125\(2\), Sch. 8 para. 1\(1\)\(b\)\(4\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))
S. 130: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50, s. 44\(1\), Sch. 4\(a\)\(vii\)](#); [S.I. 1997/1930, art. 2\(1\)\(2\)\(m\)](#)

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Marginal Citations

M3 1855 c. 58.

131 Savings.

- (1) Nothing in the foregoing provisions of this Part of this Act or in Part VIII below—
- (a) shall authorise the disposal of any land by a local authority in breach of any trust, covenant or agreement which is binding upon them, excluding any trust arising solely by reason of the land being held as public walks or pleasure grounds or in accordance with section 10 of the ^{M4}Open Spaces Act 1906; or
 - (b) shall affect, or empower a local authority to act otherwise than in accordance with, any provision contained in, or in any instrument made under, any of the enactments specified in subsection (2) below and relating to any dealing in land by a local authority or the application of capital money arising from any such dealing.
- (2) The enactments referred to in subsection (1)(b) above are—
- (a) the ^{M5}Technical and Industrial Institutions Act 1892;
 - (b) the Military Lands Acts 1892 to 1903;
 - ^{F1}(c)
 - (d) the Allotments Acts 1908 to 1950;
 - (e) the Small Holdings and Allotments Acts 1908 to 1931;
 - ^{F2}(f) the Ancient Monuments and Archaeological Areas Act 1979]
 - (g) section 28 of the ^{M6}Land Settlement (Facilities) Act 1919;
 - ^{F3}(h)
 - ^{F4}(i)
 - (j) Part III of the ^{M7}Agriculture Act 1970; and
 - ^{F4}(jj)
 - (k) any local Act (including an Act confirming a provisional order).
 - ^{F5}(l)
 - ^{F6}(m) the Housing Act 1985]
- (3) Nothing in the foregoing provisions of this Part of this Act shall affect the operation of ^{F7}sections 117 to 121 of the Charities Act 2011 (restrictions on dispositions of charity land)] and, in particular, none of those provisions shall be treated as giving any such authority for a transaction as is referred to in ^{F8}section 117(3)(a) (certain statutorily authorised dispositions not to require the sanction of the Charity Commission)].
- (4) In this section “local authority” includes a parish meeting and the parish trustees of a parish.

Textual Amendments

- F1** S. 131(2)(c) repealed (1.1.1993) by [Transport and Works Act 1992 \(c. 42\), s. 68\(1\), Sch. 4 Pt. I](#); [S.I. 1992/2784, arts. 2, 3\(3\), Sch. 2 Pt. III](#)
- F2** S. 131(2)(f) substituted by [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46, SIF 3\), s. 64\(2\), Sch. 4 para. 13](#)
- F3** S. 131(2)(h) repealed by [Civil Aviation \(Amendment\) Act 1982 \(c. 1, SIF 9\), s. 4\(3\), Sch. 2](#)
- F4** S. 131(2)(i)(jj) repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\), ss. 3, 6, Sch. 1](#)

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- F5** S. 131(2)(l) inserted by Housing Act 1980 (c. 51, SIF 61), s. 152(1), **Sch. 25 para. 23** and repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 6, **Sch. 1 Pt. 1**
- F6** S. 131(2)(m) inserted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 23**
- F7** Words in s. 131(3) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 27(a)** (with s. 20(2), **Sch. 8**)
- F8** Words in s. 131(3) substituted (14.3.2012) by Charities Act 2011 (c. 25), s. 355, **Sch. 7 para. 27(b)** (with s. 20(2), **Sch. 8**)

Modifications etc. (not altering text)

- C3** Ss. 128-131 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C4** Ss. 128-131 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C5** Ss. 128-131 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C17** S. 131 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.
S. 131: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
S. 131 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 131 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65, 125(2), **Sch. 8 para. 1(1)(b)(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
S. 131: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

Marginal Citations

- M4** 1906 c. 25.
M5 1892 c. 29.
M6 1919 c. 59.
M7 1970 c. 40.

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